

Colin H. Murray (State Bar No. 159142)
colin.murray@bakermckenzie.com
Teresa H. Michaud (State Bar No. 296329)
teresa.michaud@bakermckenzie.com
BAKER & McKENZIE LLP
Two Embarcadero Center, 11th Floor
San Francisco, CA 94111
Telephone: +1 415 576 3000
Facsimile: +1 415 576 3099

W. Barton Rankin (*Admitted Pro Hac Vice*)
w.rankin@bakermckenzie.com
BAKER & McKENZIE LLP
2300 Trammell Crow Center
2001 Ross Avenue
Dallas, Texas 75201
Telephone: +1 214 978 3000
Facsimile: +1 214 978 3099

Attorney for Plaintiff
Lilith Games (Shanghai) Co. Ltd.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Lilith Games (Shanghai) Co. Ltd.,
Plaintiff,
v.
uCool, Inc. and uCool Ltd.,
Defendants.

Case No. 15-cv-01267-SC

**DECLARATION OF HU RUI IN
SUPPORT OF PLAINTIFF'S MOTION
FOR A PRELIMINARY INJUNCTION**

[Fed. R. Civ. P. 65]

Date: June 26, 2015
Time: 10:00 a.m.
Courtroom: 1, 17th Floor
Before: The Hon. Samuel Conti

1
2 1. My name is Hu Rui (in Chinese: 胡睿), and I am over the age of twenty-one (21)
3 years, of sound mind, and fully competent to testify in this case.

4 2 I am employed by Lilith Games (Shanghai) Co. Ltd. ("Lilith"), and I am currently
5 Lilith's in-house corporate counsel. In that role, I have been personally involved in communications
6 between Lilith and Apple, Inc., requesting a take down of uCool, Inc. and/or uCool Ltd.'s infringing
7 game titled Heroes Charge. Also, I am familiar with the games developed and released by Lilith,
8 including "Dao Ta Chuan Qi," which means "the legend of sword and tower" ("Sword and Tower").
9 I am also familiar with the media's coverage of Lilith's game Sword and Tower, as well as any
10 rankings it receives by media outlets in, among other places, China. As a result, I have personal
11 knowledge of the statements set forth in this declaration and, if required, could fully and
12 competently testify to these matters.
13

14 3. Attached hereto as Exhibit A is a true and correct copy of an email I sent to Apple,
15 Inc.'s App Store on August 14, 2014.
16

17 4. Attached hereto as Exhibit B are true and correct copies of online reports from the
18 following major online media outlets in China: [http://finance.chinanews.com](http://finance.chinanews.com;);
19 <http://www.gamelook.com>; <http://www.1688wan.com>; <http://www.youxiduo.com>; and
20 <http://www.9669.com>. I have highlighted the applicable portions of these reports, which are written
21 in Chinese, that discuss Lilith's game sword and tower. I am able to read and write in both English
22 and Chinese, and the following are true and correct translations of the highlighted language
23 contained in the attached reports:
24

25 <http://finance.chinanews.com> — "On the TOP 10 list of mobile games, the top two are
26 Sword and Tower and Space Hunter, remaining the same as in June. In particular, since launched on
27 360 platform in March, Sword and Tower has for more than 4 weeks remained first among mobile
28 games in respect of revenue. It keeps strong profitability even after the heat of first publication."

CASE NO. 15-cv-1267-SC
Declaration of Hu Rui

1
2 <http://www.gamelook.com> — “Longtu Game [Lilith’s Chinese distributor] announced to the
3 public that Sword and Tower maintained a dramatic growth during the public test period. Its daily
4 flow of income reached RMB 20 million on July 18, and will continue to grow sharply later on. In
5 competition with WeChat series games, Sword and Tower remained on top of the App Store Best
6 Sellers List in the week of public test.

7
8 The breaking record of RMB 20 million in a single day made Sword and Tower the well-
9 deserved winner during the public test. It has now become the hottest super star among all mobile
10 games in 2014. Its remaining championship on various lists of iOS and Android platforms has made
11 it the most popular mobile game.”

12 <http://www.1688wan.com> — “Longtu Game [Lilith’s Chinese distributor] launched the
13 Android version of the Sword and Tower. The game was popular than expected and ranked high on
14 downloading lists of various downloading platforms within a short time. The operator of the game
15 had to open four more servers within only several hours after launching the game.”

16
17 <http://www.youxiduo.com> — “The Sword and Tower has become the best-selling game on
18 iPhone and iPad App Store, breaking Tencent’s monopoly on the ranking lists. The Sword and
19 Tower was launched on App Store on February 25, and successfully squeezed into top 3 within three
20 days; later the Android version was launched on March 19, and immediately topped the
21 downloading lists of various platforms. In addition, registered users have already amounted to more
22 than 10 million since April.”

23
24 <http://www.9669.com> — “According to a report issued by Baidu, the dark horse mobile
25 game Sword and Tower remained first in the list of Revenue and list of Retention Rate in April and
26 May.”

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: Apr. 3, 2015

胡睿 HU RUI

Hu Rui – On behalf of Lilith Games (Shanghai)
Co. Ltd.